

**REMARKS**

This response is in reply to the Office Action mailed 20 October 2004.

The specification and drawings are objected to.

Claims 1-24 are pending and are presently rejected.

**The Drawings**

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference characters not mentioned in the description: Fig. 1, element 141, and Fig. 2, element 221.

Other objections include the placement of leader lines through labels and the use of an "upside-down" label.

Suitable legends are recommended to be placed in at least Figs. 18-21.

**The Specification**

As to the Office Action, Paragraph 10(A), the Abstract is objected to and has been amended.

As to Items 10(A) and (B), The RELATED APPLICATIONS paragraphs have been updated.

As to Items 10(C): One of skill in the art will understand that xCBL is a widely used term championed by xCBL.org. The organization's web site expands the acronym as XML Common Business Library and explains "xCBL is the pre-eminent XML component library for business-to-business e-commerce. This standard is created, maintained, and supported for use - free of charge - by anyone needing document definitions for their e-commerce applications." There is no more need to explain xCBL to one of skill in the art than to explain XML or FORTRAN.

As to Items 10(D), new Paragraph [0039A] has been created, thus splitting up the text regarding new Fig. 5.

As to Item 10(E), relating to Paragraph [0042] in the application, xCBL is not proprietary.

As to Item 10(F), relating to Paragraph [0044] (which is [0045] in the substitute specification), the marine research center "Scripps" is a typographic substitution for

"scripts." This typographical error has been corrected.

**Compact Disc Submission**

The description portion of this application contains a computer program listing of more than 300 lines. Accordingly, the computer program listing appearing in the specification on pages 14-19, 20-24 and 24-35 have been deleted and such listing is on compact disc in compliance with 37 CFR 1.96(c).

**Rejection Under 35 U.S.C. § 101 of Claims 1-14 and 16-22**

The Examiner rejects **claims 1-14 and 16-22** under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claims 1, 8 and 16 have been amended to overcome the rejection. The remaining claims depend from these and benefit from the amendment. The amendment should not be considered narrowing, as one of skill in the art would have understood from the specification that a computer-implemented method was disclosed and claimed.

Applicants respectfully submit that the rejection of claims 1-14 and 16-22 under § 101 should be withdrawn.

**Rejection Under 35 U.S.C. § 112, First Paragraph, of Claims 1-24**

The Examiner rejects **claims 1-24** under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner asks Applicants to identify references in the specification to document type, document field selection, value specification and path specification. It sounds as if the Examiner is taking this list from a description of the user search interface which is depicted in FIG. 5. Further, a database structure is depicted in FIG. 11. Table names and filed names are apparent in FIGs 23-26. Applicant trust that the enclosed formal drawings will be easier for the Examiner to study than the original informal drawings.

Applicants respectfully submit that the rejection of claims 1-24 under § 112, first paragraph, should be withdrawn.

**Rejection Under 35 U.S.C. § 112, Second Paragraph, of Claims 1-24**

The Examiner rejects **claims 1-24** under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claims 1, 8, 15, 16, 23 and 24**

The Examiner argues that **claims 1, 8, 15, 16, 23 and 24** are indefinite, questioning the meaning of "context sensitive", "tested against" and "corresponding to".

The meaning of "context sensitive" is apparent from the claims. From claim 1:

*a document type selection filter;*

*one or more document field selection filters, context sensitive to a selected document type;*

*one or more value specification fields, context sensitive to the document fields;*

In these usages of "context sensitive", words immediately following tie context sensitivity to a limitation of the preceding element, such as "*context sensitive to a selected document type.*"

Therefore, claims 1, 8, 15, 16, 23 and 24 should not be rejected under § 112, second paragraph.

**Claims 1**

The Examiner argues that **claim 1** lacks an antecedent basis as to "the completed value specifications" in lines 11-12. The antecedent basis for line 12, which uses a definite article, is in line 11, which does not. Therefore, claims 1 should not be rejected under § 112, second paragraph.

**Claims 2-7, 9-14 and 17-22**

The Examiner rejects that **claims 2-7, 9-14 and 17-22** as depending from claims 1, 8 and 16. As the basis for rejection of the independent claims is traversed above, dependent claims 2-7, 9-14 and 17-22 should not be rejected under § 112, second paragraph.

Claims 9

The Examiner rejects **claims 9** for unclear language choice. Claim 9 is very brief and clear, "*The method of claim 8, wherein the path specifications are compliant with any version of an XPath standard.*" Therefore, claims 9 should not be rejected under § 112, second paragraph.

Claims 10-14

The Examiner rejects **claims 10-14**, because they depend from claim 9. As independent claim 9 is clear, dependent claims 10-14 should not be rejected under § 112, second paragraph.

Claims 17-22

The Examiner rejects **claims 17-22**, because they depend from claim 16, which refers to a "computer user interface". The amended claim reads "computer-implemented graphical user interface", which is illustrated in the figures. Breadth resulting from use of a vague term is not a grounds for an indefiniteness rejection. MPEP § 2173.04, "Breadth is Not Indefiniteness".

Therefore, claims 16-22 should not be rejected under § 112, second paragraph.

Applicants respectfully submit that the rejection of claims 1-24 under § 112, second paragraph should be withdrawn.

**Rejection Under 35 U.S.C. § 103(a) of Claims 1, 3-8, 10-16 and 18-24**

The Examiner rejects **claims 1, 3-8, 10-16 and 18-24** under 35 U.S.C. § 103(a) as unpatentable over Probst et al. (U.S. Pat. App. Pub. No. 2003/0140034, claiming benefit of a provisional filing not provided by the Examiner) in view of Elliotte Rusty Harold (XML: Extensible Markup Language, IDG Books Worldwide, Inc., Foster City, CA, (c) 1998).

Claim 1

**Claim 1** includes the limitations:

*providing a graphical user interface including*

*a document type selection filter;*

*one or more document field selection filters, context sensitive to a*

*selected document type;*

*one or more value specification fields, context sensitive to the document fields;*

These limitations are not found in Probst et al. references 503 and 705 or in [0056]. Entry of keywords 502 (document fields) is not context sensitive to a selected asset category 503 (document type), as asset category is entered after keywords, and keywords are values found in document fields, as opposed to selections of document fields to search. Reference 705 does not represent part of a graphical user interface, as FIG. 7 depicts a DTD schema, not a graphical user interface.

**Claim 1** further includes the limitations:

*as non-displaying fields, one or more path specifications corresponding to the document fields and to the value specification fields, said path specifications identifying nodes to be tested against completed value specifications*

These limitations are not found in Harold, p. 268 as part of a graphical user interface. Harold describes an XPointers programming construct for bringing data from a known location within an XML document into an HTML page, not a graphical user interface. Harold explains at p. 271, "XPointers refer to particular parts of or locations in XML documents." Therefore, claim 1 should be allowable over Probst et al. in view of Harold.

#### Claims 3-7

**Claims 3-7** are allowable over Probst et al. in view of Harold for at least the same reasons as claim 1, from which they depend.

#### Claim 8

The Examiner's rejection of **Claim 8** mirrors the rejection of claim 1, without hidden field limitations and with the following added limitations:

*looking up path specifications corresponding to the document field identifiers; said paths specifications identifying nodes to be tested against completed value specifications;*

*searching a subset of the self-describing, structured documents based on the completed value specifications and the corresponding path specifications, the subset including documents of the selected document type.*

The providing and receiving limitations not found in Probst et al. in view of Harold, for the reasons presented while traversing rejection of claim 1.

Probst et al. [0034] does not meet the searching limitations because the description of Advanced Search Screen 107 does not include the same detailed limitations as the claim.

Harold pp. 260, 264, 268 does not meet the looking up and corresponding path specification limitations because Harold describes an XPointers programming construct for bringing data from a known location within an XML document into an HTML page, not a graphical user interface. Again, Harold explains at p. 271, "XPointers refer to particular parts of or locations in XML documents", which is not a search construct and not a way to specify a path to a set of documents, as opposed to "particular parts of or locations in XML documents."

At this point, the Examiner seems to be extrapolating beyond anything found in Probst or Harold, using the present claims as a roadmap for applying prior art tools. Applicants see no teaching in either Probst or Harold to produce the claimed invention as a whole. Accordingly, Applicants submit that the Examiner is relying on impermissible hindsight, and limitations not found in the combination relied upon, in rejecting the claims.

Therefore, claim 8 should be allowable over Probst et al. in view of Harold.

**Claims 10-14**

**Claims 10-14** are allowable over Probst et al. in view of Harold for at least the same reasons as claim 1, from which they depend.

**Claim 15**

The Examiner's rejection of **Claim 15** again mirrors rejection of claim 1. Claim 15 includes many of the limitations of claim 1, excepting the searching element.

Therefore, claim 15 should be allowable over Probst et al. in view of Harold for the same reasons as claim 1.

**Claim 16**

The Examiner's rejection of **Claim 16** once again mirrors rejection of claim 1. Claim 15 includes many of the limitations of claim 1, excepting the receiving and

searching elements. Therefore, claim 16 should be allowable over Probst et al. in view of Harold for the same reasons as claim 1.

Claims 18-22

**Claims 18-22** are allowable over Probst et al. in view of Harold for at least the same reasons as claim 17, from which they depend.

Claim 23

**Claim 23** includes many of the limitations of claim 1, plus:

These limitations are not found in Probst et al. in view of Harold.

Therefore, claim 23 should be allowable over Probst et al. in view of Harold.

Claim 24

**Claim 24** includes the limitations:

*loading a set of document field and path specification pairs, said path specifications identifying nodes of self-describing, structured documents to be indexed and searched;*

*indexing portions of the documents corresponding to the document field and path specification pairs;*

Other limitations are not found in Probst et al. in view of Harold, for the reasons provided in traversal of the claim 1 rejection.

The loading element is not met by Probst et al. reference 503, which is part of a search GUI and not a preparation to index and search.

The indexing element is not met by Probst et al. [0016], which reads in its entirety:

[0016] In accordance with this invention, data definitions are provided for digital assets that include a hierarchical structure that reflects the relationships between attributes and categories of content. These definitions, preferably encoded in XML, can be used as a standardized dictionary to create a digital asset library that is easily and economically manageable. The data definitions are applicable to digital assets of disparate data types and include metadata identifiers sufficient to uniquely identify those digital assets.

Therefore, claim 24 should be allowable over Probst et al. in view of Harold.

Applicants respectfully submit that claims 1, 3-8, 10-16 and 18-24 should be allowable over Probst et al. in view of Harold.

**Rejection Under 35 U.S.C. § 103(a) of Claims 2, 9 and 17**

The Examiner rejects **claims 2, 9 and 17** under 35 U.S.C. § 103(a) as unpatentable over Probst et al. (U.S. Pat. App. Pub. No. 2003/0140034, claiming benefit of a provisional filing not provided by the Examiner) in view of Elliott Rusty Harold (XML: Extensible Markup Language, IDG Books Worldwide, Inc., Foster City, CA, (c) 1998) and further in view of XML Path Language (XPath) Version 1.0 (W3C Recommendation 19 November 1999).

**Claim 2**

**Claim 2** includes the limitations:

*The method of claim 1, wherein the path specifications are compliant with any version of an XPath standard.*

These limitations are not suggested in Probst et al. in view of Harold and further in view of XPath Spec. The Examiner is extrapolating beyond anything found in Probst or Harold or XPath Spec, using the present claims as a roadmap for applying prior art tools. Applicants see no teaching in either Probst or Harold or XPath Spec to produce the claimed invention as a whole. Accordingly, Applicants submit that the Examiner is relying on impermissible hindsight, and limitations not found in the combination relied upon, in rejecting the claims.

Therefore, claim 2 should be allowable over Probst et al. in view of Harold and further in view of XPath Spec and also for the same reasons as claim 1, from which it depends.

**Claims 9 and 17**

**Claims 9 and 17** are substantially similar to claim should be allowable over Probst et al. in view of Harold and further in view of XPath Spec. for the same reasons as claim 2 and also for the same reasons as claims 8 and 16, from which they depend.

Applicants respectfully submit that claims 2, 9 and 17 should be allowable over Probst et al. in view of Harold and further in view of XPath Spec.



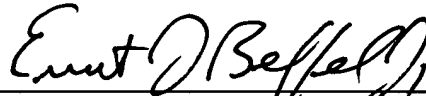
**CONCLUSION**

Applicants respectfully submit that the pending claims are now in condition for allowance and thereby solicit acceptance of the claims, in light of these amendments.

The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 to 5:30 PST, M-F and can be reached at his cell phone (415) 902-6112 most other times.

Respectfully submitted,

Dated: 25 March 2005

  
\_\_\_\_\_  
Ernest J. Beffel, Jr., Reg. No. 43,489

HAYNES BEFFEL & WOLFELD LLP  
P.O. Box 366  
Half Moon Bay, CA 94019  
(650) 712-0340 (telephone)  
(650) 712-0263 (facsimile)